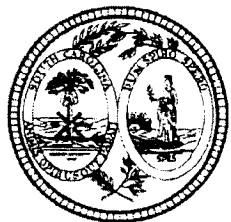


193242



Randall Dong  
Staff Counsel

## *The Public Service Commission State of South Carolina*

COMMISSIONERS  
G. O'Neal Hamilton, Fifth District  
*Chairman*  
C. Robert Moseley, At-Large  
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Elizabeth B. "Lib" Fleming, Fourth District  
Mignon L. Clyburn, Sixth District

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Randall.Dong@psc.sc.gov

June 2, 2008

Mr. Robert Morris  
Editor, Charlotte Business Journal  
1100 South Tryon Street, Suite 100  
Charlotte, North Carolina 28203

Re: South Carolina Freedom of Information Act Request dated May 13, 2008

Dear Mr. Morris:

This letter follows up to my previous communication with you concerning your Freedom of Information Act request. At its regularly scheduled public meeting on May 28, 2008, the Commission determined that the documents you requested exempt from disclosure and issued a directive to that effect. A copy of the Commission's directive is attached.

Respectfully yours,

A handwritten signature in black ink, appearing to read "B. Randall Dong".

B. Randall Dong  
Staff Counsel

cc: Frank R. Ellerbe, III, Esquire  
Robert Guild, Esquire  
Nanette S. Edwards, Esquire  
C. Lessie Hammonds, Esquire  
Scott Elliott, Esquire  
John M. Bowen, Jr., Esquire  
Margaret M. Fox, Esquire

**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>May 28, 2008</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2007-440-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u></u>

**SUBJECT:**

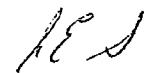
DOCKET NO. 2007-440-E - Application of Duke Energy Carolinas, LLC for Approval of Decision to Incur Nuclear Generation Pre-Construction Costs for the Lee Nuclear Station in Cherokee County - Discuss with the Commission a Freedom of Information Act Request from the Charlotte Business Journal Dated May 13, 2008.

**COMMISSION ACTION:**

The Charlotte Business Journal seeks copies under the Freedom of Information Act of Duke's cost estimates for the Lee Nuclear Station as provided to the Commission during the hearing on May 12, 2008, and the written record of testimony related to cost estimates provided by Duke witness Jamil during the hearing. This Commission has addressed disclosure of the cost estimate information four times during this proceeding, and, each time, consistent with the its statutory duty to conduct its hearings using procedures designed to protect the rights of all parties, this Commission has ruled that this information can and should be protected from disclosure, while making it available to the parties pursuant to a confidentiality agreement, so that the Company can negotiate the lowest possible cost for its customers. Mr. Chairman, since I believe that this material constitutes a "trade secret" and that it relates to proposed contractual arrangements under the Freedom of Information Act, and that, despite the dicta in our ruling in Order No. 2008-327, I believe it is a "trade secret" under the South Carolina Trade Secrets Act, I move that this Commission deny the request of the Charlotte Business Journal for the cost estimate information documents and the transcript of testimony produced in the closed portion of the hearing on May 12, 2008. However, the need for confidentiality of this material is of limited duration. Once Duke's negotiations with its vendors are completed, which is anticipated around the year's end, this Commission would entertain a request to release the information.

PRESIDING: HamiltonSESSION: RegularTIME: 2:30 p.m.

	MOTION	YES	NO	OTHER
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



6-2-08

Letter dated June 2, 2008 addressed to Mr. Robert Morris from Randall Dong along with the May 28, 2008 directive regarding a SC Freedom of Information Act Request mailed to the following via regular mail on June 2, 2008

Mr. Robert Morris  
Editor, Charlotte Business Journal  
1100 South Tryon Street, Suite 100  
CHARLOTTE NC 28203

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/de